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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,494	11/25/2003	Peter Gruber	YOR920030550US1	6054

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EXAMINER

EDMONDSON, LYNNE RENEE

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/721,494

Applicant(s)

GRUBER ET AL

Examiner

Lynne Edmondson

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7, 9-13, 16-18, 20-23 and 26-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-7, 9, 17, 18, 20-23 and 26-32 is/are allowed.
- 6) ☒ Claim(s) 10-13 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10-13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Gannoe (USPN 3389683).

Gannoe teaches a solder feeding device comprising a reservoir for solder (80,82), a drive unit (112), a control circuit (106) connected to first and second leads in connection with the drive unit (108,110) which electrical communication between the leads through the solder wherein feeding is driven by opening or closing of the circuit as the level of the solder changes (figure 5 and col 3 line 28 – col 4 line 8).

3. Claims 10-13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi (JPN 02-46971 A).

Kobayashi teaches a solder feeding device comprising a reservoir for solder, a drive unit, a control circuit connected to first and second leads in connection with the drive unit which electrical communication between the leads through the solder wherein feeding is driven by opening or closing of the circuit as the level of the solder changes (abstract and figure 1).

Response to Arguments

4. Regarding applicant's argument that Gannon teaches both leads in communication with molten solder rather than one lead in communication with molten solder, it is noted that lines 13-15 of claim 10 teach the pair of leads communicating with one another through molten solder and solder wire. Although the method teaches separate positioning steps for each lead, there is no structural limitation in the apparatus indicating that the leads have different lengths or of a means for selectively positioning individual leads to a particular height or depth.

5. In response to applicant's argument that Gannon teaches both leads in communication with molten solder rather than one lead in communication with molten solder, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

6. The device is capable of having the pair of leads communicate with one another through molten solder and solder wire.

7. Therefore the 102 rejection of claims 10-13 and 16 as anticipated by Gannon stands.

8. Regarding applicant's argument that Kobayashi teaches both leads in communication with molten solder rather than one lead in communication with molten solder, it is noted that lines 13-15 of claim 10 teach the pair of leads communicating

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with one another through molten solder and solder wire. Although the method teaches separate positioning steps for each lead, there is no structural limitation in the apparatus indicating that the leads have different lengths or of a means for selectively positioning individual leads to a particular height or depth.

9. In response to applicant's argument that Kobayashi teaches both leads in communication with molten solder rather than one lead in communication with molten solder, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

10. The device is capable of having the pair of leads communicate with one another through molten solder and solder wire.

11. Therefore the 102 rejection of claims 10-13 and 16 as anticipated by Kobayashi stands.

Allowable Subject Matter

12. Claims 2-7, 9, 17, 18, 20-23 and 26-30 are allowed.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Marchant (USPN 3510345) and Kondo (USPN 4889273).

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne Edmondson whose telephone number is (571) 272-1172. The examiner can normally be reached on Monday through Thursday from 6:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lynne Edmondson
Primary Examiner
Art Unit 1725

LAG 4/19/06

LRE